

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BOISEY CALDWELL, :
: Plaintiff, : 19-CV-6534 (OTW)
: :
-against- : **ORDER**
: :
COMMISSIONER OF SOCIAL SECURITY, :
: :
Commissioner. :
: :
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ONA T. WANG, United States Magistrate Judge:

The Court is in receipt of Plaintiff's motion for reconsideration of the October 21, 2020 Clerk's Judgment (ECF 36). (ECF 40). The motion is **DENIED**.

The Court lacks jurisdiction to modify any aspect of its prior ruling (ECF 35, 36), because it is subject to a pending appeal that Plaintiff has filed in the Second Circuit. *See Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) ("The filing of a notice of appeal is an event of jurisdictional significance – it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal."); ECF 37. Plaintiff's motion asks for reconsideration of the same ruling on appeal. Accordingly, "there is no warrant for the Court to decide issues that are now under the Court of Appeals's exclusive purview." *Brady v. IGS Realty Co. L.P.*, No. 19-CV-10142 (PAE) (OTW), ECF 79 (S.D.N.Y. May 28, 2021) (quoting *Penn v. New York State*, No. 18-CV-6194 (LGS), 2019 WL 8512493, at *1 (S.D.N.Y. Mar. 7, 2019)).

The Clerk of Court is directed to mail a copy of this Order to the *pro se* Plaintiff and close ECF 40.

SO ORDERED.

Dated: June 10, 2020
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge